



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/521,948	01/23/2006	Zaihui Zhang	540057.418USPC	6733
500	7590	03/09/2010	EXAMINER	
SEED INTELLECTUAL PROPERTY LAW GROUP PLLC			STOCKTON, LAURA LYNNE	
701 FIFTH AVE			ART UNIT	PAPER NUMBER
SUITE 5400				1626
SEATTLE, WA 98104			MAIL DATE	DELIVERY MODE
			03/09/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/521,948	Applicant(s) ZHANG ET AL.
	Examiner Laura L. Stockton	Art Unit 1626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 04 December 2009.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-6,14-20,22-24,29,77-82 and 90 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 23, 24, 29, 77-82 and 90 is/are allowed.
- 6) Claim(s) 1,3-6,14-20 and 22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
 Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Claims 1, 3-6, 14-20, 22-24, 29, 77-82 and 90 are pending in the application.

Election/Restrictions

Applicant's election with traverse of Group I (claims 1-24, 27, 29 and 77-82 - drawn to products of formula (1)) in the reply filed on August 22, 2008 was acknowledged in a previous Office Action. The requirement was deemed proper and therefore made FINAL in a previous Office Action.

Claims 30, 31, 34-37, 39-52 and 83-89 are withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to nonelected inventions, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on August 22, 2008. Claims 30, 31, 34-37,

39-52 and 83-89 have been cancelled per the Amendment filed February 25, 2009.

Rejections made in the previous Office Action that do not appear below have been overcome by Applicant's amendments to the claims. Therefore, arguments pertaining to these rejections will not be addressed.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3-6, 14-20 and 22 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 1, the nomenclature of the first compound listed in the proviso at the end of the claim is incomplete and therefore, the compound is not embraced by claim 1.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 4, 5, 14 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Gorbulenka et al. {Khimiya Geterotsiklicheskikh Soedinenii (1994), (4), pages 464-471}.

Gorbuleenko et al. disclose Compound XVII on page 465 (CA Registry No. 163126-67-8 or pages 4 and 19 of provided English translation of Gorbuleenko et al.) that is embraced by the instant claimed invention. Therefore, the instant claimed invention is anticipated by Gorbuleenko et al.

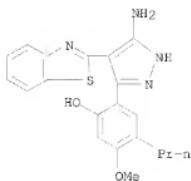
Response to Arguments

Applicant's arguments filed December 4, 2009 have been fully considered. Applicant argues that Gorbuleenko et al. do not anticipate the current amended claims.

In response, it is disagreed that Compound XVII of Gorbuleenko et al. does not anticipate the instant currently amended claims. Compound XVII (CA Registry No. 163126-67-8 - reproduced below) in Gorbuleenko et al. on pages 4 and 19 of the English translation is embraced by claims 1, 4, 5, 14 and 16 when the instant R¹ represents hydrogen; the instant R² represents amino;

the instant R³ represents aryl (which embrace a substituted phenyl - see instant claim 16 as well as pages 18 and 19 of the instant specification); and R⁴ represents hydrogen. Compound XVII was placed in alcohol and in dimethylsulfoxide (DMSO).

RN 163126-57-8 CAPLUS
CN Phenol, 2-[5-amino-4-(2-benzothiazolyl)-1H-pyrazol-3-yl]-5-methoxy-4-propyl (CA INDEX NAME)



Therefore, Gorbuleenko et al. do anticipate the instant current amended claims.

Allowable Subject Matter

Claims 23, 24, 29, 77-82 and 90 are allowed over the art of record.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Laura L. Stockton whose telephone number is (571) 272-0710. The examiner can normally be reached on Monday-Friday from 6:00 am to 2:30 pm. If the examiner is out of the Office, the examiner's supervisor, Joseph McKane, can be reached on (571) 272-0699.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

The Official fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

/Laura L. Stockton/
Laura L. Stockton
Primary Examiner, Art Unit 1626
Work Group 1620
Technology Center 1600